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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,037	02/11/2000	Joseph Korb	84582.1000	6037

7590 08/21/2003

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/21/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/503,037

Applicant(s)

KORB ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-35 are pending in this examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, 9-16, 18-25, 27-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau et al. (USPN 6,477,529) (hereinafter Mousseau) in view of Landgren (USPN 6,115,754) (cited by applicant in IDS).

4. Referring to claim 1, Mousseau discloses a method for transferring data to a wireless device over a wireless communications network, said method comprising the steps:

receiving at a first server (gateway) a request for data transmitted over said wireless communications network from said wireless device (abstract; Figure 5, reference characters 300A, 302-306);

transmitting said request over a second communications network from said first server to a second server containing the requested data (abstract; Figure 2, reference character 12');

receiving at said first server said requested data transmitted over said second communications network from said second server (abstract);

parsing said requested data on said first server to remove data not displayable (advanced HTML and JAVA content) on said wireless device (Figure 3, reference characters 104-112; col. 5, line 57 to col. 6, line 4; col. 12, lines 38-62); and

transmitting said parsed requested data over said wireless communications network from said first server (gateway) to said wireless device (Figure 3, reference character 116; Figure 5).

Mousseau does not disclose including an identification of a wireless device type transmitted from the wireless device. Landgren discloses transmitting an identification of a wireless device type transmitted from the wireless device (the office takes "identification of a wireless device type" can be broadly construed as any data which can specifically identify the particular device amongst various other devices) (mobile

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identification number, MIN), which can be used to identify the mobile unit (col. 8, lines 43-55). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landgren with Mousseau to efficiently determine a mobile unit's position as stated in Landgren (col. 2, lines 64-67) which would help benefit efficiently determining what, if any, data would be of particular use to the mobile device user (i.e. movie theaters in close proximity to the user).

5. Referring to claim 2, Mousseau discloses the second communications network is the World-Wide-Web (col. 3, lines 54-63).

6. Referring to claim 3, Mousseau discloses the requested data constitute a Web page (col. 3, lines 54-63).

7. Referring to claim 4, Mousseau discloses reformatting said request into an HTTP request prior to transmitting said request to said second server (col. 4, lines 26-41).

8. Referring to claim 5, Mousseau discloses compressing said parsed requested data prior to transmitting said parsed requested data from said first server to said wireless device (col. 4, lines 35-41).

9. Referring to claim 6, Mousseau discloses encrypting said parsed requested data prior to transmitting said parsed requested data from said first server to said wireless device (col. 4, lines 35-41).

10. Referring to claim 7, Mousseau discloses a method and system of transferring data as stated in the claims above. Mousseau does not disclose including an identification of a wireless communications network type. Landgren discloses including an identification and a wireless communications network type (HDTP Network) (the Office takes "wireless communications network type" can be broadly construed as any data or identifying matter which can differentiate one communications protocol which can be transmitted wirelessly from another) (since Landgren teaches that the system taught uses HDTP/HTTP communications methods such as .OPTIONS, .GET, .HEAD, etc. Landgren inherently teaches that the wireless communications network type is of the HDTP/HTTP wireless communications protocol) (col. 9, lines 7-16). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landgren with Mousseau to efficiently determine a mobile unit's position as stated in Landgren (col. 2, lines 64-67).

11. Referring to claim 9, Mousseau discloses a method and system of transferring data as stated in the claims above. Mousseau does not disclose requested data is transmitted to said wireless device in data packets at a pace dependent upon said wireless communications network type. Landgren discloses requested data is

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transmitted to said wireless device in data packets at a pace dependent upon said wireless communications network type (col. 9, line 62 to col. 10, line 24). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landgren with Mousseau to efficiently determine a mobile unit's position as stated in Landgren (col. 2, lines 64-67).

12. Claims 10-16, 18-25, 27-33, and 35 are rejected for similar reasons as stated above.

Claims 8, 17, 26, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau in view of Landgren as applied to claims 1, 7, 10, 16, 19, 25, 28, and 33 above, and further in view of De Boor et al. (USPN 6,173,316) (cited by applicant in IDS) (hereinafter De Boor).

13. Mousseau in view of Landgren disclose a method of transferring data to a wireless device as stated in the claims above. Mousseau in view of Landgren do not disclose removing data is dependent upon said wireless device type. De Boor discloses disclose removing data is dependent upon said wireless device type (col. 18, lines 2-4; col. 28, line 25 to col. 29, line 18). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of De Boor with Mousseau and Landgren to efficiently adapt HTML documents to be displayed on wireless devices as stated in De Boor (abstract).

Response to Amendment

14. Applicant's arguments filed July 29, 2003 have been fully considered but they are not persuasive.

15. In the remarks, Applicant argues in substance that, (1) Mousseau teaches away from the invention as stated in claim 1 since Mousseau discloses a set of wireless devices which can be used in the system.

16. As to point (1) Applicant has correctly pointed out that "in the preferred embodiment, the handheld device is a Blackberry or an Inter@ctive Pager..." as stated in Mousseau. However, Mousseau also states that, "the present invention may be incorporated into other handheld devices or wireless transceivers, such as two-way paging computers, PDA's, ...or handheld e-mail clients" (col. 3, lines 46-54). Mousseau does not teach away from the claimed invention because Mousseau discloses that the system can be used with a *plurality* of wireless device types as well as wireless packet data network types.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
August 11, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100